

**TOWN OF ROCKPORT**  
**WARRANT FOR**  
**FALL TOWN MEETING**  
Monday, September 12, 2016  
The Commonwealth of Massachusetts

Essex, ss.

To: One of the Constables of the Town of Rockport,  
Massachusetts in said County of Essex in the  
Commonwealth of Massachusetts.

GREETINGS: In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in Town affairs to meet and assemble at the Rockport High School at 24 Jerden's Lane in said Rockport on Monday, the twelfth day of September, 2016 A.D., at 7:00 o'clock in the evening, then and there to act on the following articles, to wit:

ARTICLE A. To see if the Town will raise and appropriate, or appropriate and transfer, a sum of money to pay unpaid bills of previous fiscal years; or act on anything relative thereto. *(9/10 vote)*

ARTICLE B. To see if the Town will vote to raise and appropriate, or appropriate and transfer, a sum or sums of money to add to the appropriations made under Articles 5, 5A, 5B, 5C, 6, 6A and/or 6B of the April 2, 2016 Annual Town Meeting or to reduce appropriations made thereunder; or act on anything relative thereto. *(majority vote)*

ARTICLE C. To see if the Town will hear and receive the annual report and recommendations of the Community Preservation Committee pursuant to Section 5 of Chapter 44B of the General Laws and Chapter 2, Section 5(d)(ii) of the Code of By-laws; or act on anything relative thereto. *(Community Preservation Committee) (majority vote)*

ARTICLE D. To see if the Town will vote, pursuant to Section 6 of Chapter 44B of the General Laws, to set aside in the Community Preservation Fund sums of money from Community Preservation Fund FY2017 estimated annual revenues for later spending for the respective purposes indicated:

*First*, a sum of money to be deposited in the Community Housing Reserve Account;

*Second*, a sum of money to be deposited in the Open Space/Recreation Reserve Account;

*Third*, a sum of money to be deposited in the Historic Preservation Reserve Account;

or act on anything relative thereto. *(Community Preservation Committee) (majority vote)*

#### ARTICLE E.

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund the following amounts for the respective purposes indicated:

*First*, \$15,000 to be expended under the oversight of the Department of Public Works, working with the Community Preservation Committee, for the restoration, rehabilitation, and/or preservation of Sandpiper Park;

*Second*, \$250,000 to be expended under the direction of the Department of Public Works working with the Community Preservation Committee, for the restoration, rehabilitation, and/or preservation of Mill Pond;

*Third*, \$42,000 to be expended under the direction of the Department of Public Works working with the Community Preservation Committee, for the replacement, restoration, rehabilitation, and/or preservation of the Pingree Park basketball court;

*Fourth*, \$100,000 to be expended under the direction of the Thacher and Straitsmouth Islands Committees, working with the Community Preservation Committee, for the replacement, restoration, rehabilitation, and/or preservation of the Straitsmouth Island boat ramp;

*Fifth*, \$38,000 to be expended under the direction of the Department of Public Works working with the Community Preservation Committee, for the replacement, restoration, rehabilitation, and/or preservation of the South End tennis court at Long Beach;

*Sixth*, \$300,000 to be expended working with the Community Preservation Committee, for the replacement, restoration, rehabilitation, and/or preservation of the historic Pigeon Cove Fire Station;

or act on anything relative thereto. *(Community Preservation Committee) (majority vote)*

#### ARTICLE F.

To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money to fund the fiscal year 2017 cost items contained in the separate collective bargaining agreements between the Town of Rockport and the following unions: AFSCME Council 93, AFL-CIO Local 1679 Municipal Employees General Unit and AFSCME Council 93, AFL-CIO Local 1679 Supervisors Unit, the Rockport Superior Police Officers' Association, Local 154A, and/or Rockport MassCop, Local 156 (Patrol Officers Unit); with each agreement covering the term of July 1, 2016 through June 30, 2019; or act on anything relative thereto. *(Board of Selectmen) (majority vote)*

ARTICLE G. To see if the Town will vote to transfer the sum of \$10,550.10 of unexpended proceeds of bonds dated August 4, 2016 from the Library Fire Escape Project account, which project has been completed and for which no liability remains, to the Town Hall Annex Generator Capital account to be expended for the purpose of purchasing and installing a generator at the Town Hall Annex; or act on anything relative thereto. *(Public Works) (majority vote)*

ARTICLE H. To see if the Town will vote to transfer the sum of \$8,248.88 from the Water Needs Assessment account to the Water Treatment Plant Master Capital account; or act on anything relative thereto. *(Public Works) (majority vote)*

ARTICLE I. To see if the Town will vote to amend Chapter 14 of the Town Code of By-Laws entitled “Environment Protection and Public Health”, Section E “Aesthetics and Environment”, Section 6, “Floodlights and Spotlights”, by:

- inserting in the title to Section 6 the words “Light Emitting Diode” after the word “Floodlights”;
- deleting the definition of “Flood or Spotlight” in subsection (b) and replacing it with the following: “Flood, Light Emitting Diodes (LED) or Spotlight: Any light fixture or lamp which concentrates the light output into a directed beam in a particular direction or that emits an intense light widely.”; and
- deleting the current text of subsection (c)(i) and replacing it with the following: “Any flood, light emitting diode (LED) or spot luminaire rated at 2200 lumens or greater shall not emit any light beyond the property line on which the luminaire is located. Any LED light, regardless of rated lumens, shall meet the standard described in (ii) below. Any LED light shall be hooded so that it does not emit light beyond the property line on which the luminaire is located if a neighbor lodges a complaint that the light is disrupting his or her enjoyment of his or her own property.”

; or act on anything relative thereto. *(By Petition) (majority vote)*

ARTICLE J. To see if the Town will vote to authorize the Board of Selectmen to grant, on behalf of the Town, on such terms and conditions and for such duration as the Selectmen deem appropriate, a permanent easement to the owner of property located at 7-11 Old Harbor Road over a portion of the Town-owned parcel of land shown on Assessors Map 36 as Parcel 104 and described in deeds recorded with the Essex South District Registry of Deeds in Book 5156, Page 630 and which portion is shown more

particularly on a plan entitled “Plan of Land, 7-11 Old Harbor Road, Bearskin Neck, Rockport, Mass” prepared by Benchmark Survey, dated August 9, 2016, which plan is on file with the Town Clerk, said easement to be granted for the purpose of allowing said owner to retain the portion of his porch that onto said Town property; or act on anything relative thereto. *(Board of Selectmen) (2/3 vote)*

ARTICLE K. To see if the Town will vote to accept the provisions of General Laws Chapter 40, Section 8J relative to the establishment of the Rockport Commission On Disability; or act on anything relative thereto. *(Board of Selectmen) (majority vote)*

ARTICLE L. To see if the Town will amend the Zoning By-Law to allow the regulation of Aircraft Landing Areas (“ALAs”) in the By-Laws as Section VI-M

The Rockport Zoning By-Laws in relation to ALAs are as follows:

In accordance with the Town’s authority to regulate uses of and structures on land and waterways that are within its jurisdiction, the Town of Rockport hereby determines that it is in the public interest to regulate the on-ground placement and storage of aircraft. Applicant shall be required to submit a plan to use any lot or waterway for aircraft landing, storage or parking within the Town.

The construction of an ALA is subject to Site Plan Review (“SPR”), which will consider the potential impacts on the Town/neighborhood, including the characteristics of any aircraft proposed to use the ALA, with respect to performance, noise, downdraft, and hours of operation, as well as the proposed landing, storage or parking facilities and any refueling and servicing facilities. Any FAA and MDOT aeronautics division findings, conclusions and requirements with respect to siting, design construction and operation of any proposed ALA will be incorporated in the SPR.

The siting of an ALA is subject to the special permit (“SP”) process of the Zoning Board of Appeals. The findings and recommendations of the SPR will be incorporated in any SP granted by the ZBA.

Nothing herein shall prevent a temporary helicopter landing area for emergency purposes, such as air ambulance, search and rescue, firefighting, and similar public safety operations.

#### **AIRCRAFT LANDING AREAS**

##### **1. Purpose**

The purpose of this section is to regulate Aircraft Landing Areas (ALA), by establishing standards for the placement, design, construction, operation, monitoring, modification and repair of such installations to

ensure public safety, and minimize impacts on neighborhoods, and scenic, natural and historic resources.

The provisions set forth in this section shall apply to the placement, design, construction, operation, monitoring, modification and/or repair of any ALA.

- a. **Applicability** This section applies to the initial construction of ALAs and to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.
- b. **ALAs, in Mass. are regulated and characterized by**  
702 CMR: MASSACHUSETTS AERONAUTICS COMMISSION, (now the Mass DOT aeronautics division.) 702 CMR 5.00: AIRPORTS AND RESTRICTED LANDING AREAS (This includes Airports and Restricted Landing Areas on land and water, and incorporates a number of categories of helicopter landing areas. These are characterized as follows:
  - (1) Airport –General Aviation, Land & Water
  - (2) Restricted Landing Area, Land & Water
  - (3) Heliport –General Aviation, and Limited Commercial.
  - (4) Private Use Helicopter Landing Area
  - (5) Temporary Helicopter Landing Site

Each category has different minimum dimensions, equipment, facility requirements, and level of review by MDOT.

**c. Definitions**

- (1) **Site Plan Review:** Review by the Planning Board to determine conformance with the Zoning By-Law, as provided in Section IX of the By-Law.
- (2) **Site Plan Approval:** Approval of the Site Plan by the Planning Board.

**2. General Requirements for all ALAs**

The following requirements are common to all ALAs.

- a. **Compliance with Laws, Ordinances and Regulations**  
The construction and operation of all ALAs shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, environmental, Wetlands Protection Act,

construction, electrical, and communications requirements. All buildings and fixtures forming part of an ALA installation shall be constructed in accordance with the state Building Code.

**b. Building Permit and Building Inspection**

No ALAs shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

**c. Fees**

The application for a building permit for a ALA must be accompanied by the fee required for a building permit.

**3. Site Plan Review**

Any ALA shall undergo site plan review by the Planning Board prior to construction, installation or modification as provided in this section. ALAs shall be constructed, installed, used and modified in conformity with a site plan approved by the Planning Board in accordance with Section IX Site Plan Review of the Zoning By-Law and the further requirements set forth herein. The Planning Board shall review and act upon the site plan review within 90 days of its receipt of an application determined to be complete. The requirements set forth herein shall be applied coincident with and in addition to those requirements set forth in Section IX. The requirements of this section shall take precedence in the event of a direct conflict with Section IX.

**a. General**

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.

**b. Required Documents**

Pursuant to the site plan review process, the project proponent shall provide the following documents.

**(i) A site plan showing:**

1. Property lines and physical features, including roads for the project site, and neighboring living structures within 1,000 feet of the ALA boundary.
2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation and structures.
3. Blueprints or drawings of the ALA installation signed by a Professional Engineer licensed to

practice in the Commonwealth of Massachusetts showing the proposed layout of the ALA.

4. Documentation of any structures to be installed.
  5. A description of how land clearing and construction shall be performed in accordance with the appropriate sections of the Zoning By-Law governing storm water discharge, land disturbance, provisions for handling toxic or hazardous materials, and post-construction storm water runoff.
- (ii) Documentation of actual or prospective Flight paths.
  - (iii) An operation and maintenance plan; (See 3f) including proposed hours of operation, type of aircraft allowed to land and take off from the facility.
  - (iv) Zoning district designation for the parcel of land comprising the project site (submission of a copy of a zoning map with the parcel identified is suitable for this purpose).
  - (v) Proof of liability insurance written by companies licensed to provide such insurance in Massachusetts and with coverage limits at commercially acceptable levels; for the intended use.
  - (vi) A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required site plan review notification procedures and otherwise inform abutters and the community.

The Planning Board may require additional information, data or evidence as it deems necessary pursuant to the Site Plan Review process, or may waive documentation requirements as it deems appropriate.

#### **c. Professional Review**

The Planning Board may engage, at the applicant's expense, professional and technical consultants, including legal counsel, to assist the Planning Board with its review of the application in accordance with the requirements of Section 53G of Chapter 44 of the Massachusetts General Laws. The Planning Board may direct the applicant to deposit funds with the Planning Board at the time the application is accepted, and to add additional funds as needed upon notice. Failure to comply with this section shall be grounds for denying the application. Upon approval of the application, any excess amount in the account attributable to that project, including any accrued interest, shall be repaid to the applicant.

**d. Operation & Maintenance Plan**

The project proponent shall submit a plan for the operation and maintenance of the ALA, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation. Also, documentation of how all safety concerns of the FAA and the MDOT aeronautics division are being addressed in the physical construction and proposed operation of the facility

**4. Design Standards**

**a. Setbacks**

An ALA shall be set back from property lines consistent with the applicable regulations for the underlying zoning district.

**b. Lighting**

Lighting of ALAs shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the ALA shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

**c. Screening**

A buffer or green strip planted with live shrubs or trees, predominantly evergreen, shall if feasible be maintained between the perimeter of the ALA and any abutting property line or street unless the existing natural growth is adequate to provide an equivalent buffer. Such a buffer shall be designed so as not to create a flight hazard upon entrance or exit from the facility. The Planning Board may vary or waive this requirement consistent with minimizing negative effects on abutting property.

**5. Safety and Environmental Standards**

**a. Emergency Services**

The ALA owner or operator shall provide a copy of the project summary, and site plan to the Fire Department. Upon request the owner and/or operator shall cooperate with Town emergency services in developing an emergency response plan, which may include ensuring that emergency personnel have 24 hour access to the facility. The owner or operator shall identify a responsible person for public safety personnel inquiries throughout the life of the ALA.



**b. Land Clearing**

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the ALA or otherwise prescribed by applicable laws, regulations, and bylaws.

**c. Drainage and Groundwater Protection**

An ALA shall comply with any drainage and groundwater requirements set forth in the Zoning By-Law, which requirements shall be imposed and conditioned as appropriate through the Site Plan Review process.

**6. Monitoring and Maintenance**

**a. ALA Installation Conditions**

The ALA owner and/or operator shall maintain the facility in good and safe working condition, and shall schedule inspection by a competent professional at least once every twelve (12) months or more often, pursuant to industry standards and practices. The results of the inspection and any resulting repair work shall be submitted to the Planning Board and the Building Inspector within thirty (30) days of receipt by the owner and/or operator. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Department and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the ALA and any access road(s), unless accepted as a public way.

**b. Modifications**

All modifications to an ALA, after issuance of Site Plan Approval and required building permit, shall be submitted to the Planning Board for review, to determine whether they are major changes requiring further Site Plan Review.

**7. Appurtenant or Accessory Structures**

All appurtenant or accessory structures to an ALA shall be subject to the requirements of the Zoning By-Law concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, shall be architecturally compatible with each other, and shall be landscaped and screened from view by vegetation.

## 8. Insurance

Prior to commencing operation, the owner or operator of an ALA shall provide the Town Clerk with a certificate of insurance showing that the property has a minimum dollar amount contingent on the type and nature of the facility, in accord with industry standards of liability, and that the Town is an additional named insured thereon. Such certificate shall be supplied on an annual basis to the Town upon the renewal of said insurance policy.

### B. Modify “Table of Permitted Uses” as follows:

2016 Proposed	SRAA & SR Zoning Districts	Permitted Use to include ALAs With SP	
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; or act on anything relative thereto. *(Planning Board) (2/3vote)*

## ARTICLE M.

To see if the Town will vote to delete III.B.I.F, on the Table of Permitted Uses in the Zoning By-Laws, and replace it with the following:

The conversion of any existing dwelling into a two-family dwelling or a multiple dwelling, with not more than four (4) dwelling units, or an inn, provided that the size of the building shall not be increased by more than ten (10%) percent of the area which was originally used for habitation.

; or act on anything relative thereto. *(Planning Board) (2/3vote)*

And you are directed to serve this Warrant by posting attested copies of the same at each of the Post Offices, the Town Bulletin Board and in other public places in each village of the Town, fourteen days at least before the day of the holding of said FALL TOWN MEETING.

Hereof fail not and make due return of this Warrant, with your doings thereon to the Town Clerk, three days at least before Monday, September 12, 2016.

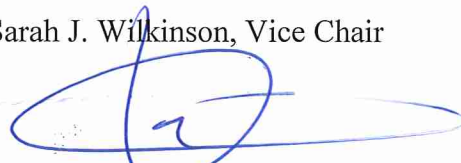
Given under our hands and seal of the Town this 9<sup>th</sup> day of August 2016, A.D.

BOARD OF SELECTMEN  
TOWN OF ROCKPORT



Paul F. Murphy, Chairperson

Sarah J. Wilkinson, Vice Chair



Wilhelmina Sheedy Moores, Member



Erin Battistelli, Member



Donald J. Campbell, Jr., Member

A TRUE COPY ATTEST:

  
Constable for the Town of Rockport